

NIH POLICY MANUAL**2300-600-1 - NIH FLEXIBLE WORKPLACE PROGRAM PROCEDURES****Issuing Office: OD/OHRM/HRPSD, 496-2404****Release Date: 01/28/98**

A. Policy:

1. Upon receipt of a request to participate in the FWP, the IC will review the employee's position to determine whether the duties and responsibilities are portable and can be performed at an alternate duty station, i.e., the incumbent's home, a GSA Telecommuting Center, or another approved worksite.
2. ICs may establish flexible workplace arrangements when the needs of the organization and those of the employee are best served by such an arrangement. Arrangements may be on a short term or ad hoc basis (two consecutive workweeks or less) or long term basis (more than two consecutive workweeks).
3. Participation must be voluntary, agreed to by the supervisor and the employee, and approved in advance by the appropriate IC management official.
4. Participation may be terminated at any time either by the employee or by management; participation is a benefit, not an entitlement.
5. Long-term and short-term participation must be documented in writing. ICs should establish FWP agreements and Appendix 1 and Exhibit A are samples that may be used for this purpose.
6. The tour of duty at the alternate duty station must be documented on the agreement signed by management and the employee and is subject to the same flexibility and restrictions as the in-the-office work schedule.
7. The employee will complete all assigned work according to guidelines and standards stated in the employee's performance plan. Job performance will be appraised in accordance with his/her performance plan.
8. Work schedules may not include a break in the hours of work of more than one hour.
9. Employees must be accessible to management officials, co-workers and customers via telephone, e-mail, facsimile or other method of communication specified by the IC.
10. All pertinent time and attendance, leave, and pay regulations (including overtime, credit hours and compensatory time, if applicable) must be observed by employees and managers when an employee participates in FWP. All pay, leave, and travel entitlements will be based on the employee's official duty station.
11. The work schedule approved for a participating employee must be observed. Duty time may not be used for purposes other than official work. FWP scheduled hours of work may not be used to care for young children or other dependents in the home who cannot care for themselves.
12. During an emergency that leads to closings and/or dismissals at the official worksite (i.e., inclement weather), if work can proceed at the alternate worksite, then the employee may not be excused from duty. Conversely, ICs may excuse an employee for a power or equipment failure that affects the alternate worksite but not the official

worksite. However, if the majority of the alternate work is power or equipment dependant but there are other duties which can be performed, the employee is expected to continue working. If such a failure starts well before the work period begins and is expected to continue for all or most of the work period, ICs may grant the employee annual leave, reschedule the work, or have the employee report to the official worksite.

13. NIH owned equipment may be loaned to employees for FWP use if: it is necessary for participation; equipment is available or funds are available to purchase new equipment; and the security of the equipment at the employee's residence can be reasonably assured. Such equipment will be properly documented as loaned equipment, serviced and maintained by the NIH, and is for official business only.
14. Installation of a telephone line in the employee's residence may be funded by the IC if required by the employee's at-home assignment. Such equipment, if installed, will be used only for the purpose of conducting NIH business.
15. Privacy Act and Standards of Conduct requirements will be adhered to.
16. Civil Service employees are covered under the Federal Employees' Compensation Act if injured in the course of actually performing official duties at the official duty station or the alternate duty station. Commissioned Corps Officers are entitled to medical care and disability compensation in the same manner as members of other Uniformed Services if injured in the course of actually performing official duties at the official duty station or the alternate duty station.
17. The NIH will not be liable for damages to an employee's real or personal property during the course of performance of official duties or while using NIH-owned equipment in the employee's residence, except to the extent the NIH is held liable by Federal Tort Claims Act claims or claims arising under the Military Personnel and Civilian Employees Claims Act.
18. ICs may establish a minimum number of working hours or days during which participants must be at their official worksite.

B. References:

President Clinton's Memorandum for the Heads of Executive Departments and Agencies, dated July 11, 1994; NIH Delegations of Authority.

C. Reporting Requirement:

Each IC will document its procedures for reviewing a position to determine whether it has portable duties. An explanatory memorandum or copies of internal IC correspondence addressing this requirement is to be forwarded to the OHRM, HRPSD upon request. ICs will also report employees' use of FWP to OHRM, HRPSD upon request. Therefore, ICs will maintain information on each employee participating in FWP which will include: (1) type of FWP agreement; (2) employee's position title, pay plan, series, and grade; (3) location of the approved alternate worksite; (4) cost to the IC per month; and (5) starting and ending dates of the agreement.

D. Records Retention and Disposal:

ICs will retain long and short term agreements as documentation in support of timekeeping records and in accordance with the time frame specified for those documents. OHRM, HRPSD will retain copies of IC position review procedures and reports on participation for as long as they are determined to be administratively useful.

Appendix 1:

Title	Word	Adobe Acrobat
Sample Flexible Workplace Program Agreement	.doc	.pdf
Exhibit A	.doc	.pdf
IC Alternative Work Schedules/Flexible Workplace Program Coordinators	.doc	.pdf

[MANUAL CHAPTERS
MAIN MENU](#)[BROWSE](#)[SEARCH](#)[UPDATE](#)[BACK TO THE OMA
HOME PAGE](#)

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